

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
(317) 232-9855

FISCAL IMPACT STATEMENT

LS 6452

BILL NUMBER: SB 80

DATE PREPARED: Nov 29, 2000

BILL AMENDED:

SUBJECT: DNA and Rape Prosecutions.

FISCAL ANALYST: Mark Goodpaster

PHONE NUMBER: 232-9852

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill allows a prosecution for rape as a Class B felony to be commenced within ten years after the commission of the offense instead of within five years after the commission of the offense. It allows a prosecution for rape as a Class B felony to be commenced at any time if DNA evidence that is relevant to the offense becomes available more than ten years after the commission of the offense.

Effective Date: July 1, 2001.

Explanation of State Expenditures: If biological evidence of a crime is available, the Indiana State Police Crime Laboratory would analyze the samples for the law enforcement agency or the prosecuting attorney. Forensic scientists on the State Police Lab would also testify in court concerning the validity of the DNA analyses that they perform.

DNA testing has made advances within the last ten years that allow increasingly smaller amounts of evidence at crime scenes to be compared with evidence from either DNA samples maintained in the Indiana DNA Data Base or a criminal suspect's DNA profile. The Indiana DNA Data Base is a collection of almost 20,000 DNA samples of offenders who have been convicted of either violent crimes, burglary, or child solicitation.

If convictions occur due to these new prosecutions, more offenders may be incarcerated as a result. The average expenditure to house an adult offender was \$20,700 in FY 1999. Individual facility expenditures ranged from \$14,936 to \$37,807.

Explanation of State Revenues:

Explanation of Local Expenditures: The costs associated with this bill will depend on how often evidence concerning unsolved rape cases becomes available and also how often prosecuting attorneys decide to prosecute rape cases that are over five years old. The criminal defendant may also request evidence preserved

from a crime scene to be analyzed by a private laboratory. The costs of this analysis would either be paid by the defendant or by the county if the defendant is indigent.

The costs of prosecuting a criminal case and conducting a criminal trial are paid from county general funds. If a criminal defendant is indigent, the county pays for the costs of criminal defense either by assigning the case to a public defender or to a private counsel.

Explanation of Local Revenues:

State Agencies Affected: Indiana State Police.

Local Agencies Affected: Trial courts, prosecuting attorney.

Information Sources: Steve Johnson, Indiana Prosecuting Attorneys Council; Eric Lawrence, Director of Forensic Analysis, Indiana State Police, 1999 Indiana State Police Annual Report.